

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

BENJAMIN P. TOLKOFF (CABN 4294443)  
Assistant United States Attorney  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-7234  
E-Mail: [Benjamin.Tolkoff@usdoj.gov](mailto:Benjamin.Tolkoff@usdoj.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-0553 MMC
	)	
Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del>
	)	<del>ORDER SETTING DATE FOR</del>
v.	)	<del>EVIDENTIARY HEARING</del>
	)	ORDER DENYING STIPULATION
JOSHUA PRATCHARD,	)	Date: April 14 / <del>May 27, 2010</del>
	)	Time: 2:30 p.m. / <del>9:00 a.m.</del>
Defendant.	)	

The parties were last before the Court on March 17, 2010, for an initial appearance on an alleged violation of probation. At that time, the parties requested and the Court ordered that the matter be continued until April 14, 2010. The stated reasons for this extension were to determine whether there would be a resolution to the Contra Costa County matter that gave rise to the allegation, and to afford the parties ample time to negotiate a resolution of the instant matter.

//

//

//

//

//

As of the date of this filing, the parties are not likely to resolve the instant matter and would therefore request an evidentiary hearing. The parties have conferred and discussed scheduling with the Clerk of the Court. Based on the schedule of the parties and the Court, the earliest date on which an evidentiary hearing could be held is May 27, 2010. Therefore, the parties respectfully request an evidentiary hearing on May 27, 2010.

SO STIPULATED: JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: April 13, 2010 /s/  
BENJAMIN P. TOLKOFF  
Assistant United States Attorney

DATED: April 13, 2010 /s/  
STEVE WHITWORTH  
Attorney for JOSHUA PRATCHARD

~~For the reasons stated above, the Court orders that an evidentiary hearing shall be held on May 27, 2010, at 9:00 a.m., to determine whether the defendant has violated the terms of probation as alleged.~~ The above stipulation is hereby DENIED without prejudice, and the parties shall appear on April 14, 2010 as currently scheduled, at which time the parties should be prepared to address the status of "the Contra Costa County matter" and its effect, if any, on the SO ORDERED. proceedings in federal court.

DATED: April 13, 2010

  
HONORABLE MAXINE M. CHESNEY  
United States District Judge